

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

<b>GRANT GILLETT,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CAUSE NO. 1:25-cv-00216-HAB-SLC</b>
	)	
<b>SPEEDWAY LLC,</b>	)	
	)	
<b>Defendant.</b>	)	

**OPINION AND ORDER**

On April 30, 2025, Defendant, a limited liability company (LLC), removed this action to federal court from the Allen Superior Court, alleging diversity of citizenship as the basis for jurisdiction under 28 U.S.C. § 1332. (ECF 1). Subject matter jurisdiction is the first issue that must be addressed upon removal, *Baker v. IBP, Inc.*, 357 F.3d 685, 687 (7th Cir. 2004), and thus, the Court raises the issue *sua sponte*, pursuant to Federal Rule of Civil Procedure 12(h)(3). Defendant’s diversity allegations in its Notice of Removal require further clarification.

“[T]he citizenship of an LLC for purposes of . . . diversity jurisdiction is the citizenship of its *members*.” *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998) (emphasis added). Rather than identify its member(s), Defendant articulates that it is “wholly owned by SEI Speedway Holdings, LLC,” which in turn is “wholly owned by 7-Eleven, Inc. . . .” (ECF 1 ¶ 2). Defendant states the same in its disclosure statement. (*See* ECF 3). The Court requires that Defendant clarify its citizenship by identifying its member(s) and their citizenship(s), rather than using alternative phraseology.

As the party seeking to invoke federal diversity jurisdiction, Defendant bears the burden of demonstrating that the requirement of complete diversity has been met. *See Chase v. Shop ‘N Save Warehouse Foods, Inc.*, 110 F.3d 424, 427 (7th Cir. 1997). Therefore, Defendant is

AFFORDED to and including May 12, 2025, to file both a supplemental jurisdictional statement to its notice of removal (ECF 1) and an amended disclosure statement (ECF 3) pursuant to Federal Rule of Civil Procedure 7.1(a)(2), each that articulates its citizenship by identifying its member(s) and their citizenship(s), tracing through all layers of members.

SO ORDERED.

Entered this 5th day of May 2025.

/s/ Susan Collins

Susan Collins

United States Magistrate Judge